

SENATE BILL NO. 119

January 27, 1999, Introduced by Senators STEIL, GOUGEON, JAYE,
SCHWARZ, GOSCHKA, SIKKEMA, BENNETT and MC MANUS and
referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding section 2402.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2402. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, THE COURT SHALL AWARD COSTS AS ALLOWED BY STATUTE OR COURT
3 RULE AND ATTORNEY FEES TO THE PREVAILING PARTY IN A CIVIL
4 ACTION.

5 (2) IF THERE IS NO PREVAILING PARTY, THE JUDGE MAY AWARD
6 COSTS AS ALLOWED BY STATUTE OR COURT RULE AND ATTORNEY FEES TO
7 THE PARTY WHO PREVAILS ON 1 OR MORE ISSUES.

8 (3) THE COURT MAY LIMIT THE COSTS OR FEES RECOVERED UNDER
9 SUBSECTION (1) IF THE COURT DETERMINES THE PAYMENT OF COSTS OR
10 FEES IS UNJUST.

1 (4) EACH COUNSEL OF RECORD IN A CIVIL ACTION BROUGHT IN A
2 COURT IN THIS STATE SHALL MAINTAIN ACCURATE, UP-TO-DATE RECORDS
3 OF HOURS WORKED ON THE MATTER REGARDLESS OF THE FEE ARRANGEMENT
4 WITH HIS OR HER CLIENT.

5 (5) AS USED IN THIS SECTION, "PREVAILING PARTY" MEANS:

6 (A) IN AN ACTION INVOLVING SEVERAL REMEDIES OR ISSUES OR
7 MULTIPLE COUNTS THAT STATE DIFFERENT CAUSES OF ACTION OR
8 DEFENSES, THE PARTY PREVAILING ON EVERY REMEDY, ISSUE, OR COUNT.

9 (B) IN AN ACTION INVOLVING ONLY 1 ISSUE OR COUNT STATING
10 ONLY 1 CAUSE OF ACTION OR DEFENSE, THE PARTY PREVAILING ON THE
11 ENTIRE RECORD.

12 Enacting section 1. This amendatory act takes effect
13 January 1, 2001.